



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

ARNOLD SCHWARZENEGGER
GOVERNOR

Certified Mail: 7003 1680 0000 6175 0121

June 16, 2010

Mr. Bill Jones
Division Chief
Health Hazardous Materials Division
Los Angeles County Fire Department
5825 Rickenbacker Road
Commerce, California 90040

Dear Mr. Jones:

The California Environmental Protection Agency (Cal/EPA), California Emergency Management Agency, Department of Toxic Substances Control, and the State Water Resources Control Board conducted a program evaluation of the Los Angeles County Fire Department Certified Unified Program Agency (CUPA) on March 22, 2010 through March 25, 2010. The evaluation was comprised of an in-office program review and field oversight inspections by State evaluators. The evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff. The Summary of Findings includes identified deficiencies, a list of preliminary corrective actions, program observations, program recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that Los Angeles County Fire Department's program performance is satisfactory with some improvement needed. To complete the evaluation process, please submit Deficiency Progress Reports to Cal/EPA that depict your agency's progress towards correcting the identified deficiencies. Please submit your Deficiency Progress Reports to Kareem Taylor every 90 days after the evaluation date; the first report is due on July 30, 2010.

Cal/EPA also noted during this evaluation that Los Angeles County Fire Department has worked to bring about a number of local program innovations, including an elaborate process for evaluating Participating Agencies. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program website to help foster a sharing of such ideas statewide.

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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

[Original signed by Don Johnson]

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure

cc: Sent via email:

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cc: Sent via email:

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CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Enclosure



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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: Los Angeles County Fire Department

Evaluation Date: March 22 – 25, 2010

EVALUATION TEAM

Cal/EPA: Kareem Taylor

SWRCB: Sean Farrow

Cal EMA: Fred Mehr

Cal EMA: Jack Harrah

DTSC: Asha Arora

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Kareem Taylor at (916) 327-9557.

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	<p>In some cases, the CUPA is not following-up and/or documenting return to compliance (RTC) for businesses cited for violations in Notices to Comply and inspection reports/Notices of Violation (NOV). Below are some businesses that were cited for violations, but documentation of RTC or CUPA follow-up was not found:</p> <ul style="list-style-type: none">• MV Transportation (El Monte) inspected 5-29-09. No sufficient RTC documentation.• Lakewood Regional Medical Center (Pico Rivera) inspected 3-23-06. Facility documentation shows partial correction of violations.• Koeun Printing (Pico Rivera) inspected 5-28-08. A reinspection was noted in the activity log; however, no documentation of RTC was found.• Imperial Conveyor and Engineering Co. (Pico Rivera) inspected 1-17-06. No sufficient RTC documentation.• Safe Plating (Pico Rivera) inspected on 5-31-05. No sufficient RTC documentation.	<p>By June 25, 2010, the CUPA will document follow-up actions and RTC using RTC certifications for minor violations, reinspection reports, enforcement letters, corrected forms, etc.</p> <p>On the 1st progress report, the CUPA will submit to Cal/EPA an action plan stating how it will document follow-up actions and RTC on a more consistent basis.</p>

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	<ul style="list-style-type: none"> • Brothers Plating (El Monte) inspected on 9-5-07. No sufficient RTC documentation. • Euro Classic Body Shop (El Monte) inspected on 9-2-09. No sufficient RTC documentation. • So Cal Edison –Refuse (Commerce) inspected on 1-22-10. No sufficient RTC documentation. • All Fast Fastening Systems (Pico Rivera) inspected on 8-4-06. No sufficient RTC documentation. <p>HSC, Chapter 6.11, Section 25404.1.2 (c) (Cal/EPA and DTSC) HSC, Chapter 6.5, Section 25187.8 (h) CCR, Title 27, Section 15200 (a) CCR, Title 27, Section 15185 (a) and (c)</p>	
2	<p>In some cases, the CUPA is not collecting, retaining, and managing violation classification information in their Envision Connect database or in hardcopy format. Violations cited in inspection reports have not been consistently recorded in Envision. In some cases, businesses with multiple types of violations (Class 1, class 2, and minor) are recorded in Envision as only having one type of violation. For example, a business may have been cited for 2 Class 1 violations and 4 minor violations during an inspection, but the Envision record would only show that the business had been cited for Class 1 violations.</p> <p>The correct recording of violation information in the CUPA's data management system is important for accurate CUPA-to-State reporting in the Annual Summary Reports.</p> <p>CCR, Title 27, Section 15185 (a), (c) (Cal/EPA and DTSC)</p>	<p>By June 25, 2010, CUPA management along with its Participating Agencies and Satellite Offices staff will review the proper procedures for collecting and manage violation classification information in Envision Connect. CUPA staff should record in Envision Connect all violation types cited at a business.</p> <p>On the CUPA's 1st progress report, the CUPA will update Cal/EPA on the progress of their violation information management.</p>
3	<p>The CUPA has not performed a 5-year Risk Management Plan (RMP) update review on a substantial number of RMPs. Due to the large number of RMPs that came up for review in 2009, and the lack of staff, there is about a 3-year backlog of RMPs that are awaiting deficiency determinations.</p> <p>In general, the CUPA is doing an outstanding job of administering the CalARP Program.</p> <p>CCR, Title 19, Section 2745.2(a)(3) (Cal EMA) CCR, Title 19, Section 2780.2 CCR, Title 27, Section 15180 (a) CCR, Title 27, Section 15210 (d)</p>	<p>By June 25, 2010, the CUPA will provide along with the 1st progress report the total number of RMPs that have been reviewed for deficiencies. Also, state how many RMPs have been deemed complete and will proceed to formal review.</p>
4	<p>The CUPA's Underground Storage Tank (UST) files are not complete.</p>	<p>Immediately, the CUPA/PAs will start to collect and retain compliance documents</p>

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	<p>The UST Participating Agency (PA) file review for Burbank Fire Department and Torrance Fire Department indicates that files are missing inspection reports, plot plans, response plans, secondary containment inspections, financial responsibility, etc to verify compliance.</p> <p>CCR, Title 27, Section 15185 (SWRCB)</p>	<p>for their prescribed time frames.</p> <p>By September 25, 2010, the CUPA/PAs will report to Cal/EPA and the SWRCB the progress made towards collecting the required data.</p>
5	<p>The CUPA is not collecting all of the UST forms data that came into effect in December 2007. All UST forms data must be collected in order to complete permit renewals.</p> <p>The file review indicated that the Burbank and Torrance PA's Unified Program Consolidated Forms (UPCF) are either outdated or missing.</p> <p>CCR, Title 27, Section 15185 (a), (c)(1), (i) (SWRCB)</p>	<p>Immediately, the CUPA/PAs will start to collect all UST forms data.</p> <p>By June 25, 2010, the CUPA will submit three sets of submitted and completed UST UPCFs A, B, and D from the Burbank and Torrance PAs.</p>
6	<p>The CUPA is not approving the submitted UST monitoring and response plans.</p> <p>The file review indicated that the Burbank and Torrance PAs are not signing the approval/disapproval section, which would indicate that the plans have been reviewed for completeness and accuracy.</p> <p>CCR, Title 23, Section 2632 (b), (d) (SWRCB) CCR, Title 23, Section 2641 (g)</p>	<p>By September 30, 2010, the CUPA/PAs will report to Cal/EPA and SWRCB the total number of approved monitoring and response plans.</p>
7	<p>The CUPA is not leaving a UST compliance report with the UST permit holder.</p> <p>Just recently, Burbank PA began leaving compliance reports with the permit holders. A UST compliance report indicates whether a facility is compliant after the annual inspection.</p> <p>HSC, Chapter 6.7, Section 25288 (SWRCB)</p>	<p>Immediately, the CUPA/PAs will issue compliance reports to all inspected UST facilities.</p> <p>By September 30, 2010, the Burbank PA will submit to Cal/EPA three recent UST compliance reports.</p>
8	<p>The CUPA has not met the mandated inspection frequency for the UST program during the last three fiscal years (FY).</p> <p>Burbank PA's records indicate that its inspection frequency for the last three FY was:</p> <ul style="list-style-type: none"> • FY 06/07, the CUPA inspected 58% of their regulated UST facilities; • FY 07/08, the CUPA inspected 67% of their regulated UST facilities; • FY 08/09, the CUPA inspected 93% of their 	<p>By June 30, 2010, and each subsequent year, the CUPA/PAs will inspect every UST facility within its jurisdiction at least once every year.</p> <p>By September 30, 2010, the CUPA will report to Cal/EPA and SWRCB the number of inspections conducted by the Burbank PA for FY 09/10.</p>

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	<p>regulated UST facilities.</p> <p>These numbers differ from what was reported to the CUPA which were:</p> <ul style="list-style-type: none"> • FY 06/07, the CUPA inspected 0% of their regulated UST facilities; • FY 07/08, the CUPA inspected 15% of their regulated UST facilities; • FY 08/09, the CUPA inspected 31% of their regulated UST facilities. <p>HSC, Chapter 6.7, Section 25288 (a) (SWRCB)</p>	
9	<p>The CUPA is not meeting its scheduled inspection frequency for the Resource Conservation and Recovery Act (RCRA) large quantity generators (LQGs) or the mandated frequency for the Tiered permitting (TP) program. The CUPA has inspected less than third of its RCRA LQGs and tiered permit facilities.</p> <ul style="list-style-type: none"> • The CUPA identified this deficiency in its 2007/08 and 2008/2009 action plans for areas of deficiency under the headings “The Inspection Section did not meet the inspection frequency for LQG-RCRA” and TP program “Low Inspection frequency for RCRA-LQG and TP program” respectively. • A review of files showed that of the 30 generator files reviewed, 9 had not been inspected in the past three (3), and of the 15 Tiered Permitting files reviewed, 5 had not been inspected in the past three (3) years. • A list of 28 LQGs and or TP facilities provided by the LA County for DTSC’s selection of the oversight inspection indicated that all of the facilities had not been inspected over four (4) years. Out of the same list, one (1) facility was inspected seven (7) years ago, six (6) were inspected six (6) years ago, and eight (8) facilities were inspected five (5) years ago. <p>CCR, Title 27, Section 15200 (a)(3) (Cal/EPA and DTSC) HSC, Chapter 6.5, Section 25201.4 (b)</p>	<p>By March 25, 2011, the CUPA will ensure that all RCRA LQGs and TP sites that have not been inspected in the past three years are inspected.</p> <p>Please submit a progress report update every 90 days to Cal/EPA on the number of RCRA LQG and TP facilities inspected.</p>
10	<p>Although the CUPA has settled a number of Administrative Enforcement Orders (AEOs) involving HWG violations, there have been some cases where the CUPA has failed to take appropriate enforcement actions. The following are some instances observed by DTSC</p>	<p>By July 30, 2010, the CUPA will develop a plan to ensure that appropriate enforcement actions are taken.</p> <p>Along with the CUPA’s 1st progress</p>

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	<p>where the CUPA failed take appropriate enforcement actions:</p> <ul style="list-style-type: none"> • Brothers Plating (El Monte) inspected on 8-5-07. Documentation indicates illegal disposal of Nickel filters in trash. The sample analysis of nickel filters lists the following: 123,280 mg/kg of nickel and 2,964 mg/kg of copper those are above the regulatory threshold limits of 2,000 mg/kg and 2,500 mg/kg for nickel and copper respectively. Illegal disposal of hazardous waste is a non-minor violation that is subject to enforcement, but no enforcement action was initiated. • All Fast Fastening Systems (Pico Rivera) inspected on 8-4-06. Documentation indicates illegal disposal of bead dust containing metals (RCRA wastes) to trash and storage of incompatible wastes (oxidizers and reducers) stored next to each other. Illegal disposal of RCRA wastes and storage of incompatible wastes are non-minor violations that are subject to enforcement. Proposition 65 notification was made for the illegal disposal but no enforcement action was initiated. • A2Z Plating Co. (Commerce) inspected on 5-9-07. The inspection report cited “wet floor” as minor violation. The “wet floor” is an unauthorized storage of hazardous waste and is a non-minor violation that is subject to enforcement, but no enforcement action was initiated. <p>CCR, Title 27, Section 15200 (a)(9) (DTSC)</p>	<p>report, the CUPA will submit the plan to Cal/EPA.</p>
11	<p>The CUPA has not fully developed and implemented the permit by rule (PBR) portion of the hazardous waste tiered permitting (TP) program for facilities treating aqueous waste containing cyanide wastes. The cyanide regulations for the treatment of aqueous waste containing cyanide became effective in California on August 4, 2008. DTSC conducted training for Los Angeles County CUPA on September 18, 2008.</p> <p>The following are instances observed by DTSC where the TP program was not implemented:</p> <ul style="list-style-type: none"> • Stabile Plating (El Monte) inspected on 4-29-09. No PBR for cyanide was in the file and no inspection was conducted. 	<p>By June 25, 2010, the CUPA will start implementing its TP program for cyanide treatment facilities. The CUPA will follow up with its facilities that treat aqueous waste containing cyanide treatment facilities and provide an update along with the 1st progress report.</p>

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	<ul style="list-style-type: none"> • Safe Plating (Pico Rivera) inspected on 3-23-05. No PBR for cyanide was in the file and no inspection was conducted until an oversight inspection on 3-16/17-10. • Hermetic Seal Corp. (Commerce) inspected on 4-29-09. No PBR notification for the treatment of cyanide in the file. • A2Z Plating Co (Commerce) inspected on 5-9-07. No PBR notification for the treatment of cyanide in the file. <p>HSC, Chapter 6.11, Sections 25404.2 (a)(1)(A) (DTSC) CCR, Title 27, Section 15100 (b)(2)(H), CCR, Title 27, Section 15200 (a)(3)(A) CCR, Title 22, Section 67450.2 (b)(4)</p>	
12	<p>Based on a review of files and interviews with staff, the CUPA did not demonstrate proficiency in the identification of hazardous waste violations for permanent household hazardous waste facilities (PHHWCFs), temporary household hazardous waste facilities (THHWCFs), Schools Hazardous Waste Collection Consolidation and Accumulation Facilities (SHWCCAF), and laboratory requirements. Below are some businesses that were incorrectly cited or not cited:</p> <ul style="list-style-type: none"> • Vacco Industries (El Monte) inspected on 5-23-05. • PHHWCF (El Monte) inspected on 1-17-09. • Azusa Pacific University (El Monte) inspected on 11-2-06. <p>CCR, Title 27, Section 15260 (a) (3) (B) (DTSC)</p>	<p>By June 25, 2010, the CUPA will provide hazardous waste generator trainings for the following topics: HHWCFs, laboratory requirements, and the identification and citation of hazardous waste violations.</p> <p>Along with the 1st progress report, submit to Cal/EPA the status of the trainings provided to the staff.</p>
13	<p>CUPA was not able to demonstrate that complaints that were referred by DTSC have been investigated. The staff handling complaints tracking had changed over a year ago. Written procedures were not available which are unique to complaints. 27 out of 39 files requested for complaints were not found in the CUPA's database. Here are some of the complaints (by #) that were not found:</p> <ul style="list-style-type: none"> • 08-0508-0348 • 08-0508-0390 • 08-0408-0237 • 08-0908-0656 <p>CCR, Title 27, Section 15290(g) (DTSC)</p>	<p>Please provide the DTSC complaint coordinator with the email addresses of the CUPA staff responsible for receiving complaint notifications. The DTSC complaint coordinator's email is CRosana@dtsc.ca.gov.</p> <p>Please notify the complaint coordinator of the disposition of open complaints.</p>

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

CUPA Representative

Karen Coddling
(Print Name)

Original Signed
(Signature)

Evaluation Team Leader

Kareem Taylor
(Print Name)

Original Signed
(Signature)

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

1. Observation: Although the CUPA has had some problems implementing a graduated series of enforcement actions against severe or recalcitrant businesses, the Administrative Enforcement Order (AEO) process is very well done. Each AEO file has great quality and the quality does not deviate substantially from file to file. The CUPA has settled 106 AEO cases. The AEO files reviewed include the following:

- Administrative case checklist: list of all the contents of the AEO case
- Business Information Sheet: business information, type of business, type of facility, program elements, number of violations per class, initial inspection date
- Photographic Evidence: description of the photo, date taken, photographer
- Violation Analysis Worksheet: legal standard, facts establishing violations, evidence, violation classification
- Penalty Calculation: penalty amounts based on severity of violations, CUPA cost recovery
- Cost Recovery Worksheet: staff costs, resources used in case
- Supporting Documents: NOVs, correspondence letters, etc
- Statute or Regulation Violated
- Statement to Respondent: letter of intent, complaint letter
- Enforcement Order

The initial inspection reports were not in some of the AEO files reviewed; however, they were found in the regular facility files.

Recommendation: Cal/EPA recommends that the CUPA include a copy of the initial and follow-up inspection reports with the AEO business file.

2. Observation: The boilerplate consolidated contingency plan included with the CUPAs business plan packet contains an incorrect telephone number for the State Warning Center.

Recommendation: Cal EMA recommends that the (916) area code number be either deleted altogether or changed to the correct State Warning Center number which is (916) 845-8911.

3. Observation: The PAs do not issue Red Tags to UST violators.

Recommendation: The SWRCB recommends that the CUPA and their PAs consider using the Red Tags enforcement tool to bring violators back into compliance sooner.

4. Observation: The PA UST inspectors for Burbank and Torrance performed thorough and professional UST inspections. They fully reviewed the on-site paperwork; ensured all sensors were of the correct type and placed correctly; ensured the facilities were being monitored properly; and have developed what seemed to be good working relationships with their service technicians and facility management.

Recommendation: none

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- 5. Observation:** The CUPA is not consistently documenting EPA ID# on HW and TP inspection reports.

Recommendation: DTSC recommends that to include EPA ID# for all HWG and TP inspections.

- 6. Observation:** The CUPA's field inspection report and checklist does not contain a section for an inspector to check off which hazardous waste program the facility is regulated as (ex. RCRA LQG, LQG, SQG, or CESQG). While this information is not required, it is important to note this information so that the inspectors can determine which regulations are applicable at the beginning of inspections. It will also assist in reporting RCRA LQG information.

Recommendation: DTSC recommends that the CUPA modify its hazardous waste inspection report to include checkboxes for marking the type of hazardous waste facility.

- 7. Observation:** The CUPA does not classify all violations as Class 1, Class 2, or minor in its inspection reports. Also, the UST inspection/compliance reports do not identify or summarize Significant Operational Compliance (SOC) items.

Recommendation: Cal/EPA, DTSC and SWRCB recommend that the CUPA begin classifying violations as Class 1, Class 2, or minor on its inspection reports. The CUPA may modify its inspection reports to include checkbox columns where classifications may be recorded by inspectors. Also, provide a means for identifying SOC compliance on UST inspection reports. Documenting violation classifications will allow for better efficiency when violation data is entered into the CUPA's Envision data management system.

- 8. Observation:** The CUPA has been submitting its quarterly RCRA LQGs inspection and enforcement reports to DTSC.

Recommendation: None.

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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. **Self Audit:** The CUPA's self audit report has several outstanding qualities. The narrative self audit utilizes detailed graphs and tables that denote the following:

- total number of facilities
- total number of routine inspections
- 3 year fiscal year inspection comparison
- formal enforcement data
- emergency response incidents
- public outreach
- training and in-service events

In addition, the CUPA's process for evaluating their PAs is very detailed. The CUPA uses a performance evaluation guidelines checklist for each evaluation. CUPA gathers the information for each program area and prepares a PA summary of findings which is very similar to Cal/EPA CUPA evaluation Summary of Findings. The PA summary of findings contains the cited deficiencies, the legal standard, and the required action for correction. Two months after delivery of the summary of finding, the PAs must submit an update report to the CUPA to provide the status of correction.

2. **Website Utility:** The CUPA's website contains educational information for the regulated community such as fact sheets, guidance documents, and UP forms with samples. The website and forms are often used by other CUPAs and PAs in LA County.
3. **UP Coordination, Consolidation and Consistency:** The CUPA has continued to work through the Cal-CUPA Forum and the Los Angeles County CUPA Coordinating Committee (LAC4) to discuss and resolve coordination, consolidation and consistency issues. The CUPA is the co-chair of the Local Emergency Planning Commission (LEPC).